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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,457	12/03/2003	Timothy E. Allen	LOT920030035US1	6712
23550	7590	10/16/2008		
HOFFMAN WARNICK LLC 75 STATE STREET 14TH FLOOR ALBANY, NY 12207			EXAMINER CHEEMA, UMAR	
			ART UNIT 2444	PAPER NUMBER
			NOTIFICATION DATE 10/16/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

Office Action Summary	Application No. 10/726,457	Applicant(s) ALLEN ET AL.	
	Examiner UMAR CHEEMA	Art Unit 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the Amendment filed on 06/26/2008. Claims 1 and 3-7 are pending with claim 1 being amended. Claims 2 and 8-23 are cancelled.

Applicant's arguments, see remarks, filed 06/26/2008, with respect to the rejection(s) of claim(s) 8, 10-13, 17, and 19-23 under 35 U.S.C 101 have been fully considered and are persuasive. These claims have been cancelled by Applicant and therefore the rejection is moot in view of the cancellation of these claims.

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 3-7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 1 and 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Virta (US 2005/0065832) in view of Wies et al. (Wies) (US 7,159,008) and further in view of Achacoso et al. (Achacoso) (US 6,161,149) and further in view of Conmy et al. (Conmy) (US 6,101,480).

Regarding claim 1, Virta discloses substantially the invention as claimed a method for comparing free time for members of a chat, comprising: storing individual calendars corresponding to each member of the chat and at least one person who is not a member of the chat (see par. [0013]; user's personal time, and storing at least one respective interval of time); initiating a free time comparison (see par. [0002]; free time slots) in response to an actuation of a selection mechanism via a chat interface, the chat interface comprising a chat area for displaying a dialog between the members of the chat, wherein initiating a free time comparison further comprises displaying a selection window including a plurality of selection mechanisms corresponding to each member of the chat and the at least one person who is not a member of the chat, wherein the selection mechanisms corresponding to each member of the chat are selected automatically by default, and wherein the selection mechanisms corresponding to each of the at least one person who is not a member of the chat are not selected by default, but can be manually selected to be included in the free time comparison; combining the individual calendars corresponding to each member of the chat and the at least one person who is not a member of the chat into a free time summary calendar

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(see par. [0012]; combine two or more calendar databases into one combined calendar database), wherein the free time summary calendar indicates at least one of free time periods that are simultaneously available to all of the members of the chat (see par. [0002]; simultaneous free time slot, par. [0014]) and the at least one person who is not a member of the chat and conflict time periods during which at least two chat members simultaneously have an event scheduled (see fig. 1, par. [0031]; scheduling conflict); and enlarging the chat interface and displaying the free time summary calendar adjacent to the chat area of the chat interface.

Virta substantially discloses the invention for the above reason however does not explicitly disclose wherein said chat interface, at least one person who is not a member of the chat, in response to an actuation of a selection mechanism via a chat interface, the chat interface comprising a chat area for displaying a dialog between the members of the chat. In the same field of invention, Wies and Achacoso discloses wherein said chat interface (see Wies: col. 2, lines 5-15; chat interface), at least one person who is not a member of the chat (see Achacoso: abstract, col. 1, lines 5-17; communication information among members of a distributed discussion group having peripheral communication devices involves communication between the peripheral communication and central agent and the central agent receives and stores messages intended for at least one other group member), in response to an actuation of a selection mechanism via a chat interface, the chat interface comprising a chat area for displaying a dialog between the members of the chat (see Achacoso: figures 3-4; col. 9, lines 7-29; chat

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window 104 displays the text messages typed in by the user as well as messages sent from other users that are currently connected . .etc.).

Virta, Wise, and Achacoso substantially disclose the invention as claimed above however does not explicitly disclose wherein enlarging the chat interface and displaying the free time summary calendar adjacent to the chat area of the chat interface and initiating a free time comparison further comprises displaying a selection window including a plurality of selection mechanisms corresponding to each member of the chat and the at least one person who is not a member of the chat, wherein the selection mechanisms corresponding to each member of the chat are selected automatically by default, and wherein the selection mechanisms corresponding to each of the at least one person who is not a member of the chat are not selected by default, but can be manually selected to be included in the free time comparison. However in the same field of invention Conmy discloses wherein enlarging the chat interface and displaying the free time summary calendar adjacent to the chat area of the chat interface and initiating a free time comparison further comprises displaying a selection window including a plurality of selection mechanisms corresponding to each member of the chat and the at least one person who is not a member of the chat, wherein the selection mechanisms corresponding to each member of the chat are selected automatically by default, and wherein the selection mechanisms corresponding to each of the at least one person who is not a member of the chat are not selected by default, but can be manually selected to be included in the free time comparison (see figures 5-9 and the

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details related, col. 9, lines 34-59; free time dialog box which shows on a 7-day outlook the free time available for the proposed events).

It would have been obvious to one of the ordinary skill in the art of networking at the time of the invention to combine the teaching of Virta, Wies, Achacoso, and Conmy for comparing free time for chat members. Motivation for doing so would have been comprises a user calendar database for integrating data from the personal time recorder and the interval storage unit into the electronic schedule (see Virta: par. [0015], lines 5-8).

Regarding claim 2, (Cancelled).

Regarding claim 3, Virta discloses the method of claim 1, wherein the free time summary calendar indicates free time periods and conflict time periods in a format selected from the group consisting of a day view format, week view format, and month view format (see par. [0024]).

Regarding claim 4, Virta discloses the method of claim 3, wherein the day view format and the week view format indicate free time periods and conflict time periods during a predetermined time span (see par. [0014], [0024], [0031]).

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Regarding claim 5, Virta discloses the method of claim 3, wherein the day view format and the week view format indicate free time periods that are simultaneously available to all of the members of the chat (see par. [0002]; simultaneous free time slot, par. [0024]).

Regarding claim 6, Virta discloses the method of claim 3, wherein the month view indicates free days during which there is at least one simultaneously available free time period for all of the members of the chat (see par. [0002]; simultaneous free time slot, par. [0014]), and conflict days during which there are no simultaneously available free time periods for all of the members of the chat (see fig. 1, par. [0031]; scheduling conflict).

Regarding claim 7, Virta discloses the method of claim 3, further comprising: switching between the day view format, week view format, and month view format (see par. [0024]).

Regarding claim 8-23, (Cancelled).

4. **Examiner's Note:** Examiner has cited particular paragraphs, figures, columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully

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consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Prior Art of the Record

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the form PTO-892 (Notice of Cited References) for a list of more relevant prior arts.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to UMAR CHEEMA whose telephone number is (571)270-3037. The examiner can normally be reached on M-F 8:00AM-5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Jr. Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/U. C./

Examiner, Art Unit 2444

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444